THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17353 of 2005

Date: 12.10.2007

Between:

Surapaneni Gopala Krishna.

..... PETITIONER

AND

Government of India, rep. by its
Secretary, Ministry of Labour Employment,
New Delhi and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17353 of 2005

Order:

The petitioner, who is a retired employee of the 5th respondent-Organization, has filed the present writ petition seeking to direct respondent Nos.1 to 4 to fix and release his monthly pension based on the salary received by him at the time of his superannuation and in terms of the option exercised under the proviso to Para 11 (3) of Employees Pension Scheme, 1995.

The case of the petitioner is that he exercised the option under the proviso to Para 11 (3) of Employees Pension Scheme, 1995, and accepting the said option, the 5th respondent-Organization deducted certain amounts from his salary towards contribution to the Employees Pension Scheme, and the 5th respondent-Organization also contributed its share of amount to the said Scheme i.e., at the rate of 8.33% on the actual salary that is being paid to him. His further case is that he is entitled to pension amount on the entire salary received by him as on the date of his superannuation, and the ceiling limit of Rs.6500/- has no application to his case, but respondent Nos.1 to 4, in violation of the option exercised by him and as accepted by the 5th respondent-Organization, fixed his pension on the basis of ceiling limit of Rs.6500/-, which is illegal and arbitrary. Hence, he filed the present writ petition.

Though the respondents initially filed a counter affidavit denying the allegations of the petitioner, when the matter is taken up for hearing today, learned Standing Counsel appearing for respondent Nos.1 to 4

brought to the notice of this Court that as there are several discrepancies with reference to the Scheme, the Additional Central P.F. Commissioner (Pension), vide proceedings No.Pension/Misc./2005/65836, dated 22.11.2006, has given certain clarifications to all the Regional Provident Fund Commissioners/Regional Offices/Sub Regional Offices for settling the pensions, and in view of that he sought a direction to the 3rd respondent-Regional Provident Fund Commissioner, Visakhapatnam, to examine the case of the petitioner in the light of the above said clarifications and pass appropriate orders. Learned counsel for the petitioner also agreed for the same.

Having regard to the facts and circumstances of the case, and in view of the agreed stand taken by both the counsel,

without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The 3rd respondent, namely the Regional Provident Fund Commissioner, Visakhapatnam, is directed to examine the case of the petitioner in the light of the clarifications given by the Additional Central P.F. Commissioner (Pension), vide proceedings dated 22.11.2006, and pass appropriate orders in the matter within a period of six weeks from the date of receipt of a copy of this order. In case, if the petitioner's grievance is not redressed, he is at liberty to challenge the same.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 12.10.2007
Nsr